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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,534	12/07/1999	MICHAEL ZIRNGIBL	53470.000039	5280
909	7590	03/24/2005	EXAMINER	
PILLSBURY WINTHROP, LLP			CHOW, MING	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2645	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/455,534

Applicant(s)

ZIRNGIBL ET AL.

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. In view of the Appeal Brief filed on 1-5-05, PROSECUTION IS HEREBY REOPENED.  
New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

**ALLOWABLE SUBJECT MATTER**

1. Claim 23 is allowed.
2. The following is an examiner's statement of reasons for allowance:

Upon close review of the claims, the prior art and applicant's remarks it appears that the allowance of claim 23 is appropriate. The prior art does not teach a user subscribes to one voice

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service. Dynamically interacting with the subscriber by presenting the subscriber from a personalized markup language document when an outbound voice communication has been successfully initialized. Further, the personalized markup language document is stored when the outbound voice communication has not been successfully initialized. The stored personalized markup language document will be retrieved and presented when the subscriber initiates an inbound voice communication to the system.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 4-6, 10, 11, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Swartz (US: 6445694).

For claims 1, 10, Swartz teaches on item 31, column 5 line 46-60, Fig. 2, and Fig. 3, a subscriber computer generates a personalized HTML page (claimed “markup document”) for voice services.

Swartz teaches on item 41 Fig. 1, column 3 line 32-37, a host service computer (claimed “call server”) receives and responds to data and commands received from the subscriber location (reads on claimed “storing the markup documents”).

Swartz teaches on column 7 line 10-40, column 9 line 10-13, the host services computer places outbound calls to members of the conference call as specified. The members of the conference call are the claimed “subscribers”. The “host services computer” reads on the claimed “a call builder”. The conference call as taught by Swartz reads on the claimed “communication to one or more subscribers”. The HTML document specifying called numbers of members of a conference call by the calling party reads on “markup document personalized for subscribers”.

Swartz teaches on column 3 line 1-7, the host services computer receives and directs incoming calls to the called subscriber (reads on claimed “a call receiver accepts inbound voice communication from one or more subscribers”).

Swartz teaches on column 9 line 40-45, during an outbound call the host services computer presents interactive markup documents to the subscriber.

Regarding claims 2, 11, Swartz teaches on column 6 line 20-30, user and password are required for accessing the system.

Regarding claims 4, 5, 6, 13, 14, 15, phone book listing page displays phone book data stored in a relational database by using a SQL server. The data for the listing page (markup document) must be retrieved by the SQL server. The SQL server is a search module.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz as applied to claim 1 above, and in view of Brown et al (US: 6587822).

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Swartz teaches on column 13 line 27-65, speech synthesis programs to convert text to speech for replicating HTML interface.

Swartz failed to teach “a parser”. However, Brown et al teach on column 4 line 64 to column 5 line 4, HTML parser outputs for TTS to generate verbal descriptions.

It would have been obvious to one skilled at the time the invention was made to modify Swartz to have the “parser” as taught by Brown et al such that the modified system of Swartz would be able to support the system users convenience of extracting markup documents by using a parser.

4. Claims 7, 8, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz as applied to claim 1 above, and in view of Ladd et al (US: 6269336).

Swartz failed to teach “XML documents”. However, Ladd et al teach on Fig. 6, XML documents are used for interactive speech applications. The XML documents are active voice pages.

It would have been obvious to one skilled at the time the invention was made to modify Swartz to have the “XML documents” as taught by Ladd et al such that the modified system of Swartz would be able to support the system users convenience of interactively interfacing with the host services computer by using XML documents.

5. Claims 9, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz as applied to claim 1 above, and in view of Rogers et al (US: 5974441).

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Swartz failed to teach “the markup documents comprise information accessed from an OLAP system”. However, Rogers et al teach on column 10 line 47 to column 11 line 9, the web client accesses a web server and downloads HTML by using OLAP.

It would have been obvious to one skilled at the time the invention was made to modify Swartz to have the “the markup documents comprise information accessed from an OLAP system” as taught by Rogers et al such that the modified system of Swartz would be able to support the system users convenience of accessing information from an OLAP..

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liebesny et al (US: 5131020), and in view of Swartz.

Liebesny et al teach on column 4 line 60, 67, a system generating a personalized interactive audiotext message to a subscriber.

Liebesny et al teach on column 3 line 57-59, column 4 line 42-46, the message is stored in a database.

Liebesny et al teach on column 4 line 41-46, call-back phone numbers where customers desire to be alerted can be called (claimed “initiate an outbound communication”).

Liebesny et al teach on column 5 line 48 to column 6 line 12, a subscriber calls in for the voice service (claimed “accept an inbound communication”).

Liebesny et al teach on column 8 line 5-9, the caller further requests a repeat of the transmitted report (claimed “dynamically interacting with the subscriber during the inbound communication”).



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Liebesny et al failed to teach the report is a markup document. However, Swartz teaches on column 3 line 32-37, a host computer generates markup documents for voice communications with the subscriber.

It would have been obvious to one skilled at the time the invention was made to modify Liebesny et al to have the "markup documents" as taught by Swartz such that the modified system of Liebesny et al would be able to support the system users convenience of providing voice communications via markup documents.

### *Conclusion*

7. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Uppaluru (US: 5915001) teaches system and method for providing and using universally accessible voice and speech data files.

8. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703)

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305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**


**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

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Ming Chow



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**